

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

JOHN D. PERRY, )  
Plaintiff, )  
v. ) No. 1:05-CV-198 CAS  
MICHAEL J. ASTRUE,<sup>1</sup> )  
Commissioner of Social Security, )  
Defendant. )

## **ORDER**

This matter is before the Court pursuant to the Report and Recommendation of United States Magistrate Judge Frederick R. Buckles, filed January 23, 2007. See 28 U.S.C. § 636(b). The Magistrate Judge recommended that the decision of the Commissioner denying plaintiff's application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401, et seq., be affirmed. Neither party has filed an objection to the recommendation.

After careful review of the matter, the Court concurs with the recommendation of the Magistrate Judge for the reasons set forth in the thorough and well-reasoned Report and Recommendation.

Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge is **sustained, adopted** and **incorporated** herein. [Doc. 19]

<sup>1</sup> Michael J. Astrue became the Commissioner of Social Security on February 12, 2007. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Michael J. Astrue should be substituted, therefore, for Commissioner Jo Anne B. Barnhart as Defendant in this suit.

**IT IS FURTHER ORDERED** that the decision of the Commissioner denying plaintiff's application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401, et seq., is **AFFIRMED**.

An appropriate judgment will accompany this order.



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CHARLES A. SHAW  
UNITED STATES DISTRICT JUDGE

Dated this 19th day of March, 2007.